

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 88

SPONSOR: Senator Geller

SUBJECT: High Occupancy Vehicle Lanes

DATE: January 16, 2003

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|-----------|----------------|-----------|-----------|
| 1. | McAuliffe | Meyer | TR | Favorable |
| 2. | | | CM | |
| 3. | | | ATD | |
| 4. | | | AP | |
| 5. | | | | |
| 6. | | | | |

I. Summary:

The bill amends s. 316.0741, F.S., to authorize the use of High Occupancy Vehicle lanes (HOV lanes), regardless of vehicle occupancy, by Inherently Low-Emission Vehicle (ILEV) which are certified and labeled in accordance with federal regulations. The bill requires the Department of Highway Safety and Motor Vehicles (DHSMV) to issue a decal to be placed on authorized ILEVs.

This bill substantially amends section 316.0741 of the Florida Statutes.

II. Present Situation:

Section 316.0741, F.S., defines HOV lanes as a lane of a public roadway designated for use by vehicles in which there is more than one occupant, unless otherwise authorized by federal law. The section requires the number of persons who must be in a vehicle to lawfully use the HOV lane and the hours during which the lane will serve as an HOV lane. If the HOV lane is not designated as such on a full-time basis, then it must be indicated on a traffic control sign. The section provides it is a moving violation, punishable by a \$60 fine, to violate this section.

In order to accept Federal-aid funds, the Florida Department of Transportation agrees to manage, operate, and maintain HOV lanes as they were originally planned, designed, constructed and approved. If certain changes are made by a state to the operation of HOV lanes, then federal approval is required. Changes to the minimum number of people in a vehicle in order to use HOV lanes (for example, from 3 occupants to 2), or small adjustments to when HOV restrictions begin or end, are not considered significant changes, and are not causes for further Federal review. A proposal to significantly adjust the hours of operation or to convert an HOV lane to a

general purpose lane is considered a significant change in the original project design concept or scope and would require further Federal review.

23 USC 102(a)(1) states a state highway department shall establish the occupancy requirements of vehicles operating on HOV lanes; except no fewer than 2 occupants per vehicle may be required. The only exceptions to this rule are in 23 USC 102(a)(1) exempting motorcycles and bicycles, and in 23 USC 102(a)(2) exempting a vehicle certified as an ILEV.

ILEVs are a subcategory of clean-fuel vehicles that have essentially no fuel vapor emissions. The U.S. Environmental Protection Agency (EPA) established this category of vehicles to recognize there are certain technologies and clean fuels which have inherently lower emissions in the primary ozone precursors (hydro-carbons and oxides of nitrogen) than typical clean-fuel vehicles, and in order to encourage their use. The ILEV concept is a federal program; therefore, the program requirements, certification, labeling process, and other regulatory provisions are all administered through the EPA.

III. Effect of Proposed Changes:

The bill amends s. 316.0741, F.S., to authorize the use of HOV lanes, regardless of vehicle occupancy, by ILEVs which are certified and labeled in accordance with federal regulations. Any owner of a federally certified ILEV who wishes to use HOV lanes with only one occupant in the car would be required to purchase a decal from the DHSMV for \$5. The bill requires DHSMV to issue a decal to be placed on authorized ILEVs and to adopt rules necessary to administer the decal program.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

Any owner of a federally certified ILEV who wishes to use HOV lanes with only one occupant in the car would be required to purchase a decal from the DHSMV for \$5.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DHSMV would incur costs for the design, purchase and distribution of decals for use on ILEVs. However, this amount is indeterminate as the potential number of ILEVs to be used on HOV lanes is unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
